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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,609	09/20/2000	Tomomi Takada	500.39095X00	5361

24956 7590 04/23/2007  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/666,609	TAKADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jamie Vent	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed February 2, 2007 have been fully considered but they are not persuasive. On page 4-7 applicants argues that Tamegai (US 5,442,614) in view of Endsley et al (US 6,005,613) in further view of Mishima et al (US 6,134,382) fails to disclose, teach and fairly suggest the following limitation, "wherein said verify mode when executed reads the image information recorded on the recording medium and verifies, based on the image information read from the recording medium, whether the image information was recorded on the recording medium successfully" as disclosed in Claims 13 and 18. Tamegai discloses in Column 6 Lines 17-35 the verification method as shown in Figure 5. As seen and described step s3 begins the verification process wherein the data is determined if it has been written. If the data is not written and verified the process is done over as seen in step s9. Therefore, the verification method as described by Tamegai meets the limitation.

In response to applicant's argument, on pages 5-7, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "turn off state") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Although, applicants points are understood the claim does not recite the limitation of having a turn off state.

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Additionally, applicant argues on pages 7-8 that Tamegai (US 5,442,614) in view of Endsley et al (US 6,005,613) in further view of Mishima et al (US 6,134,382) ) fails to disclose, teach and fairly suggest the following limitation "When image information thus recorded on the recording medium in said executing step is read and displayed on a monitor for each frame, preventing the frame of the image information with a read error from being read again when the frame of the image information having been read just before the frame error and setting so as not execute a verify mode" as disclosed in Claims 13 and 18. It is noted that Endsley discloses a recording apparatus wherein image information is displayed when an error occurs. The image being displayed is the "old" frame that will be repeated instead of the current frame with the error, as described in Column 9 Lines 25-40. The displaying of the previous frame without error allows for the system to process the current error and alert user of the error and allows the system to be taught to alert the user of a potential error. It is further taught by Mishima et al the option of not verifying the execution of recording which allows the GOP to jump within the data stream as described in Column 7 Lines 56+ through Column 8 Lines 1-20. Therefore, the references describe the ability of finding a read error and not reading the frame again due to the frame error and thereby allowing the frame to be non-executable for the verification mode. Although, all of applicants points are understood the examiner cannot agree and therefore the rejection is maintained.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamegai (US 5,442,614) in view of Endsley et al (US 6,005,613) in further view of Mishima et al (US 6,134,382).

**[claims 13 & 18]**

In regard to Claims 13 and 18, Tamegai discloses an image recording/reproducing method and apparatus for recording image information on a recording medium and for reproducing the image information thus recorded, comprising the steps of:

- At a time of recording image information on the recording medium, executing (Column 2 Lines 45+) at least one sub step of:
  - Setting so as not to execute a verify mode (Figure 5 step s3 shows the verifying of the recorded data as further explained in Column 6 Lines 17-24);
  - Setting so as not to execute a re-reading operation (Figure 5 shows the executing of the re-reading operation from s4 wherein the data has not been written and thereby performs a re-read),
  - Wherein said verify mode when executed reads the image information recorded on the recording medium and verifies, based on the image information read from the recording medium, whether

the image information was recorded on the recording medium successfully (Figure 5 s3 is the beginning of the verification mode that verifies the correct reading and writing of the image and as seen in s9 if the data is not written the verification process is redone. This is further described in Column 6 Lines 17+) and

- Setting so as not to execute an automatic defect exchange function (Column 1 Lines 23-30 describes the automatic defect exchange function); however, fails to disclose
  - When image information thus recorded on the recording medium in said executing step is read and displayed on a monitor for each frame, preventing the frame of the image information with a read error from being read again when the frame of the image information having been read just before the frame error and setting so as not execute a verify mode.

Endsley discloses a recording apparatus wherein image information is displayed when an error occurs. The image being displayed is the "old" frame that will be repeated instead of the current frame with the error, as described in Column 9 Lines 25-40. The displaying of the previous frame without error allows for the system to process the current error and alert user of the error. Furthermore, Tamegai fails to disclose the setting that does not execute a verify mode. It is noted Mishima et al discloses the option of not verifying the execution of recording which allows the GOP to jump within the data stream as described in Column 7 Lines 56+ through Column 8 Lines 1-20.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording data and information apparatus, as disclosed by Tamegai, and incorporate a system that shows the previous frame that does not have an error, as disclosed by Endsley, and further incorporate Mishima et al to provide an option of not verifying of the recording.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to ric. whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 2622**